

**THIRTY-EIGHTH LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 12, 2003**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Danielle Cooper, Page.

**Approval of Journal**

February 12, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-seventh Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

February 11, 2003

Mr. Speaker:

I transmit herewith **S 1032, S 1033, S 1034, and S 1002**, as amended, which have passed the Senate.

WOOD, Secretary

**S 1032, S 1033, S 1034, and S 1002**, as amended, were filed for first reading.

February 11, 2003

Mr. Speaker:

I return herewith **H 84** which has passed the Senate.

WOOD, Secretary

**H 84** was referred to the Judiciary, Rules, and Administration Committee for enrolling.

**Report of Standing Committees**

February 12, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 21, H 225, H 226, H 227, H 228, H 229, H 230, H 231, H 232, H 233, H 234, H 235, H 236, H 237, H 238, H 239, H 240, H 241, H 242, H 243, H 244, H 245, H 246, H 247, and H 248.**

FIELD(18), Chairman

**HCR 21, H 235, H 236, H 237, H 238, H 239, H 240, and H 241** were referred to the Health and Welfare Committee.

**H 225** was referred to the Revenue and Taxation Committee.

**H 226 and H 227** were referred to the Agricultural Affairs Committee.

**H 228** was referred to the Environmental Affairs Committee.

**H 229, H 230, and H 231** were referred to the Transportation and Defense Committee.

**H 232 and H 233** were referred to the Local Government Committee.

**H 234, H 243, H 244, H 245, and H 246** were referred to the State Affairs Committee.

**H 242 and H 248** were referred to the Business Committee.

**H 247** was referred to the Judiciary, Rules, and Administration Committee.

February 12, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 91 and H 33.**

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 91 and H 33**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 12, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 31 and H 6** to the Governor at 11:41 a.m., as of this date, February 11, 2003.

FIELD(18), Chairman

February 11, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 115, H 116, H 145, and H 146** and recommend that they do pass.

FIELD(18), Chairman

**H 115, H 116, H 145, and H 146** were filed for second reading.

February 11, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 71** and report it back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

**H 71** was placed on General Orders for consideration.

February 11, 2003

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 43** and **H 46** and recommend that they do pass.

STEVENSON, Chairman

**H 43** and **H 46** were filed for second reading.

February 11, 2003

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 58**, **H 175**, **H 176**, and **H 179** and recommend that they do pass.

BLACK, Chairman

**H 58**, **H 175**, **H 176**, and **H 179** were filed for second reading.

February 11, 2003

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 62** and report it back with amendments attached to be placed on General Orders for consideration.

BLACK, Chairman

**H 62** was placed on General Orders for consideration.

February 12, 2003

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 147** and recommend that it do pass.

DEAL, Chairman

**H 147** was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 249**

#### **BY REVENUE AND TAXATION COMMITTEE**

#### **AN ACT**

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602G, IDAHO

CODE, TO PROVIDE A RESIDENCY REQUIREMENT TO BE ELIGIBLE FOR THE FIFTY-FIFTY HOMEOWNER'S EXEMPTION WITH AN EXCEPTION; AND PROVIDING AN EFFECTIVE DATE.

#### **HOUSE BILL NO. 250**

#### **BY REVENUE AND TAXATION COMMITTEE**

#### **AN ACT**

RELATING TO THE ESTATE AND TRANSFER TAX; REPEALING CHAPTER 4, TITLE 14, IDAHO CODE, THE ESTATE AND TRANSFER TAX REFORM ACT; AND PROVIDING AN EFFECTIVE DATE.

#### **HOUSE BILL NO. 251**

#### **BY JUDICIARY, RULES, AND ADMINISTRATION**

#### **COMMITTEE**

#### **AN ACT**

RELATING TO CAMPAIGN FINANCE REFORM; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE 34, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO STATE PURPOSES OF THE ACT, TO DEFINE TERMS, TO PROVIDE AN ALTERNATIVE CAMPAIGN FINANCE OPTION, TO CREATE THE IDAHO JUDICIAL INDEPENDENCE ACT TRUST FUND AND SPECIFY SOURCES OF FUNDING, TO SPECIFY TERMS OF PARTICIPATION IN THE IDAHO JUDICIAL INDEPENDENCE ACT TRUST FUND PROCESS, TO GOVERN ADMINISTRATION OF THE IDAHO JUDICIAL INDEPENDENCE ACT, TO SPECIFY VIOLATIONS AND TO REQUIRE A STUDY REPORT TO THE LEGISLATURE; AMENDING SECTION 34-704, IDAHO CODE, TO CHANGE THE DATES FOR FILING DECLARATION OF CANDIDACY; AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3201G, IDAHO CODE, TO PROVIDE AN ADDITIONAL PENALTY ON ANY CIVIL PENALTY FOR PURPOSES OF THE IDAHO JUDICIAL INDEPENDENCE ACT TRUST FUND; AMENDING SECTION 67-6625, IDAHO CODE, TO INCREASE FINES FOR VIOLATIONS OF CAMPAIGN CONTRIBUTION REPORTING PROVISIONS AND TO DEDICATE RECEIPTS TO THE IDAHO JUDICIAL INDEPENDENCE ACT TRUST FUND; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 79, TITLE 67, IDAHO CODE, TO CREATE THE COMMISSION ON JUDICIAL ELECTION PRACTICES, TO DEFINE TERMS, TO PROVIDE THE POWERS AND DUTIES OF THE COMMISSION ON JUDICIAL ELECTION PRACTICES AND TO PROVIDE THE SOURCE OF FUNDING FOR THE COMMISSION; PROVIDING AN ADDITION OF TWO FULL-TIME EQUIVALENT POSITIONS TO THE OFFICE OF THE SECRETARY OF STATE; PROVIDING SEVERABILITY; PROVIDING LIBERAL CONSTRUCTION TO EFFECTUATE THE PURPOSES OF THIS ACT; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

#### **HOUSE BILL NO. 252**

#### **BY STATE AFFAIRS COMMITTEE**

#### **AN ACT**

RELATING TO THE FISH AND GAME COMMISSION; AMENDING SECTION 36-104, IDAHO CODE, TO PROVIDE CERTAIN REQUIREMENTS FOR THE ACQUISITION OF LAND BY THE COMMISSION.

**HOUSE BILL NO. 253**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO PENALTIES FOR VIOLATION OF RECREATION LAWS; AMENDING SECTION 67-7129, IDAHO CODE, TO PROVIDE FOR INFRACTION PENALTIES FOR VIOLATIONS OF CERTAIN STATUTES OR RULES OF THE DEPARTMENT OF PARKS AND RECREATION.

**HOUSE BILL NO. 254**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO POLITICAL PARTIES AND ELECTIONS; AMENDING SECTION 34-502, IDAHO CODE, TO PROVIDE FOR THE MEETING OF COUNTY PRECINCT COMMITTEEMEN AT THE TIME AND DATE DESIGNATED BY THE INCUMBENT COUNTY CHAIRMAN OR SUCH PERSON AS DESIGNATED BY PARTY RULE AND TO DELETE LANGUAGE REQUIRING THE COUNTY CLERK TO DELIVER IN WRITING TO EACH PRECINCT COMMITTEEMAN A CERTAIN NOTICE; AMENDING SECTION 34-503, IDAHO CODE, TO PROVIDE FOR THE MEETING TIME AND PLACE OF THE LEGISLATIVE DISTRICT CENTRAL COMMITTEE TO BE DESIGNATED BY THE INCUMBENT LEGISLATIVE DISTRICT CHAIRMAN OR OTHER SUCH PERSON AS DESIGNATED BY PARTY RULE; AND AMENDING SECTION 34-904, IDAHO CODE, TO PROVIDE THAT IT IS NOT NECESSARY TO PRINT A PRIMARY ELECTION BALLOT FOR A POLITICAL PARTY WHICH DOES NOT HAVE MORE THAN ONE CANDIDATE FILED FOR NOMINATION BY THAT PARTY FOR ANY OF THE OFFICES ON THE BALLOT.

**HOUSE BILL NO. 255**  
**BY REVENUE AND TAXATION COMMITTEE**  
AN ACT

RELATING TO EXEMPTIONS FROM PROPERTY TAXATION; AMENDING SECTION 63-602E, IDAHO CODE, TO PROVIDE THAT PROPERTY USED FOR CHARTER SCHOOL PURPOSES IS EXEMPT FROM TAXATION AND TO PROVIDE FOR ASSESSMENT OF PROPERTY USED FOR CHARTER SCHOOL PURPOSES AND BUSINESS PURPOSES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**H 249, H 250, H 251, H 252, H 253, H 254, and H 255** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1032, S 1033, S 1034, and S 1002**, as amended, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and

Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

**HCR 18** and **HCR 19**, by Resources and Conservation Committee, were read the second time by title and filed for third reading.

**H 219**, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

**H 222**, by State Affairs Committee, was read the second time by title and filed for third reading.

**H 142**, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

**H 105** and **H 157**, by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

**H 149** and **H 150**, by Environmental Affairs Committee, were read the second time by title and filed for third reading.

At this time, the Speaker put the House at ease.

A Lincoln Day Memorial Service was presented to the members of the House.

Opening Remarks ..... Representative Bolz  
Choral Performance .... Centennial High School A Capella Choir  
Ms. Dee Sienknecht, Director

Lincoln's Second Inaugural Address  
March 4, 1865 ..... David H. Leroy, Attorney at Law  
Closing ..... Representative Martinez

Prior to going at ease, the House was at the Tenth Order of Business.

**Third Reading of Bills and Joint Resolutions**

Mr. Denney asked unanimous consent that **H 9**, as amended, be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

**H 9**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall **H 9**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas,

Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Langhorst, Mitchell. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 9**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 11** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall **H 11** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Langhorst, Mitchell, Smith(24). Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 11** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 138** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ridinger to open debate.

The question being, "Shall **H 138** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Naccarato, Nielsen, Raybould, Ridinger,

Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Black, Langhorst, Mitchell, Smith(24). Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 138** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 109** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 109** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Deal, Langhorst, Mitchell. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 109** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 204** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall **H 204** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Naccarato, Nielsen, Raybould, Ridinger,

Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Langhorst, Mitchell. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 204** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 89**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall **H 89**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Langhorst, Mitchell, Tilman. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 89**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 111**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ring to open debate.

The question being, "Shall **H 111**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30),

Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None

Absent and excused -- Langhorst, Mitchell. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 111**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 110**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Campbell and Mr. Eskridge to open debate.

The question being, "Shall **H 110**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Langhorst, Mitchell. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 110**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Denney moved that the House adjourn until 11 a.m., Thursday, February 13, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:09 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk